

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

WEALTH TAX REFERENCE No 8 of 1994

Hon'ble MR.JUSTICE S.M.SONI

And

MR.JUSTICE Y.B.BHATT

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

COMMISSIONER OF WEALTH-TAX

Versus

SAMJUBEN C PATEL

Appearance:

MR PK JANI FOR MR MANISH R BHATT for Petitioner
SERVED for Respondent No. 1

CORAM: S.M. SONI & Y.B.BHATT JJ.

Date: 8th November 1996

ORAL JUDGEMENT (Per S.M. Soni J.)

1. The following question is referred to us, for our opinion, under section 27(1) of the Wealth Tax Act, 1957:

"Whether on the facts and in the circumstances of

the case, the Tribunal was right in law in coming to the conclusion that gratuity liability is required to be deducted for the purpose of working out the break up value of shares of the company under rule 1D of Wealth-tax Rules, 1957?"

2. In view of the judgement of the Supreme Court in the case of Bharat Hari Singhania Vs. C.W.T. (207 ITR page 1), the question is required to be answered in negative, in favour of revenue and against the assessee. Reference is answered accordingly with no order as to costs.
